

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

HERBERT WHALEN

Hon. Madeline Cox Arleo

Crim. No. 19-839 (MCA)

**ORDER FOR A CONTINUANCE**

This matter having come before the Court on the joint application of Rachael A. Honig, Acting United States Attorney for the District of New Jersey (by Ari B. Fontecchio, Assistant U.S. Attorney) and defendant Herbert Whalen (by John Lawrence Tompkins, Esq., appearing), for an order granting a continuance of the proceedings in the above-captioned matter from the date this Order is signed through October 1, 2021, to permit defense counsel the reasonable time necessary for effective preparation in this matter and to allow the parties to conduct plea negotiations; and time having been excluded through June 1, 2021 pursuant to Standing Order 2020-12; and the defendant being aware that he has the right to have this matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court and that a continuance shall serve to delay a trial in this matter; and the defendant having consented to this continuance and he and/or his counsel having waived such right on his behalf and with his concurrence in open court; and this being the second request for a continuance by the parties, and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) Taking into account the exercise of diligence, the facts of this case require that defense counsel be permitted a reasonable amount of additional time for effective preparation in this matter;

(2) Plea negotiations are ongoing, and both the United States and the defendant desire additional time to negotiate a plea agreement, which would render any trial of this matter unnecessary;

(3) The granting of a continuance will likely conserve judicial resources; and

(4) As a result of the foregoing, pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS, therefore, on this 3<sup>rd</sup> day of June, 2021,

ORDERED that this action be, and hereby is, continued under the Speedy Trial Act from the date this Order is signed through and including October 1, 2021; and it is further

ORDERED that the period from the date this Order is signed through and including October 1, 2021 shall be excludable in computing time under the Speedy Trial Act of 1974.



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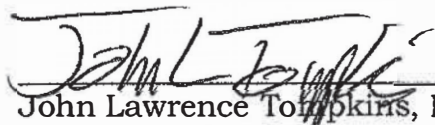
HON. MADELINE COX ARLEO  
United States District Judge

Form and entry consented to:



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Ari B. Fontecchio  
Assistant U.S. Attorney



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John Lawrence Tompkins, Esq.  
Counsel for Defendant Herbert Whalen